

116TH CONGRESS
2D SESSION

H. R. 7847

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2020

Ms. PRESSLEY (for herself and Ms. DELAURO) introduced the following bill;
which was referred to the Committee on Financial Services

A BILL

To create a database of eviction information, establish grant programs for eviction prevention and legal aid, and limit use of housing court-related records in consumer reports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Emergencies
5 Lifeline Program Act of 2020” or the “HELP Act of
6 2020”.

7 **SEC. 2. CONGRESSIONAL FINDINGS.**

8 The Congress finds that—

1 (1) housing is fundamentally an issue of eco-
2 nomic and racial justice and a critical determinant
3 of health;

4 (2) the 2008 financial crisis was a Great De-
5 pression-level event for Black Americans, wiping out
6 decades of gains in Black homeownership, which has
7 now fallen to its lowest rate since the passage of the
8 Fair Housing Act in 1968;

9 (3) Black borrowers were 76 percent more like-
10 ly to have lost their home to foreclosure than White
11 borrowers during the foreclosure crisis;

12 (4) Black and Hispanic households continue to
13 be about twice as likely as White households to rent
14 their homes;

15 (5) in 2016, 58 percent of Black household
16 heads and 54 percent of Hispanic household heads
17 were renting their homes, compared with 28 percent
18 of White household heads;

19 (6) while cost burdens affect households of all
20 races and ethnicities, Black and Brown renters are
21 much more likely to be burdened, with 55 percent of
22 Black renters considered to be rent burdened com-
23 pared to only 43 percent of White renters;

24 (7) Black households account for 12 percent of
25 all households in the United States, but 19 percent

1 of all renters and 26 of all renter households with
2 extremely low incomes;

3 (8) prior to the coronavirus pandemic, it was
4 estimated that around 3.7 million evictions are filed
5 every year, a rate of about 7 every minute;

6 (9) across the United States, one in 20 renters
7 faces an eviction every year, but for Black renters,
8 the number is one in 11;

9 (10) every day families are displaced by the
10 eviction crisis, a reality that is only further exacer-
11 bated by the COVID-19 pandemic and that falls dis-
12 proportionately on Black renters, and particularly
13 Black women renters;

14 (11) the Department of Housing and Urban
15 Development does not require the reporting or col-
16 lection of eviction data, including among households
17 in federally assisted housing, and should be required
18 to do so;

19 (12) the American Civil Liberties Union’s anal-
20 ysis of Eviction Lab data found that, on average,
21 “Black renters had evictions filed against them at
22 nearly twice the rate of White renters” and that
23 Black women specifically were filed against for evic-
24 tion at “double the rate of White renters or higher
25 in 17 of 36 [S]tates”;

1 (13) right to counsel is a matter of racial jus-
2 tice, equity, and ensuring equal protection under the
3 law;

4 (14) nationally, it is estimated that more than
5 90 percent of landlords are represented in housing
6 court proceedings, compared to less than 10 percent
7 of tenants in such proceedings;

8 (15) a Massachusetts study found that tenants
9 provided full representation were twice as likely to
10 remain in their homes, saved 4 times as much rent,
11 and paid \$0 to their landlord as compared to those
12 receiving limited or no legal assistance; and

13 (16) a California study of the Shriver Civil
14 Counsel Program found that 91 percent of Shriver
15 cases ended with the eviction record sealed, 81 per-
16 cent with the eviction not reported to a credit agen-
17 cy, and 71 percent with a neutral reference provided
18 by the landlord, tenants in such cases saved nearly
19 \$800 more in reduced rent and other fees while pay-
20 ing holdover damages or attorney's fees only half as
21 often, and 71 percent of represented clients that had
22 been required to move had obtained a new rental
23 unit, compared to 43 percent of unrepresented ten-
24 ants.

1 **SEC. 3. DATABASE OF EVICTION INFORMATION.**

2 (a) REPORTS BY HOUSING PROVIDERS.—

3 (1) IN GENERAL.—The Secretary of Housing
4 and Urban Development shall require each State
5 and local entity that receives covered housing assist-
6 ance to submit to the Secretary annual reports
7 under this section regarding evictions from assisted
8 dwelling units of the covered housing occurring dur-
9 ing the preceding year.

10 (2) CONTENTS.—Each report submitted pursu-
11 ant to subsection (a) shall include—

12 (A) for each household subject to an evic-
13 tion proceeding during the year which the re-
14 port covers—

15 (i) the reason or reasons that the evic-
16 tion proceeding was undertaken and, in the
17 case of any eviction proceeding undertaken
18 in whole or in part based on an arrearage
19 in rent owed, the amount of such arrear-
20 age and the amount of the tenant's re-
21 quired contribution toward rent;

22 (ii) the date on which the household
23 was ordered to be evicted;

24 (iii) the address of the dwelling unit
25 from which the household was evicted;

1 (iv) whether the household was rep-
2 resented by legal counsel in any eviction
3 proceeding, if such information is available;

4 (v) the number of days the household
5 was given to vacate the dwelling unit, if
6 such information is available; and

7 (vi) whether a writ of execution was
8 issued in regards to the eviction; and

9 (B) for each individual in any household
10 subject to an eviction proceeding during the
11 year which the report covers—

12 (i) the name of the individual;

13 (ii) the annual income of the indi-
14 vidual in the fiscal year prior to the year
15 during which the individual was evicted, if
16 available;

17 (iii) the disability status of the indi-
18 vidual evicted, if available;

19 (iv) any available demographic infor-
20 mation about the individual including race,
21 ethnicity, age, and gender;

22 (v) any foster care history for the in-
23 dividual, if available;

1 (vi) any serious physical health prob-
2 lems or serious mental illness of the indi-
3 vidual, if such information is available;

4 (vii) any history of prior homelessness
5 of the individual, if such information is
6 available; and

7 (viii) whether the individual has a
8 criminal record, if such information is
9 available.

10 (3) DATA REQUIREMENTS.—The Secretary of
11 Housing and Urban Development shall develop re-
12 quirements for States and local entities that receive
13 covered housing assistance that—

14 (A) provide that the provision of the infor-
15 mation being collected under this subsection
16 shall be voluntary on the part of any individual
17 or household who is or was a tenant in an as-
18 sisted dwelling unit of covered housing;

19 (B) provide limitations on how long the in-
20 formation described in paragraph (2) shall be
21 retained;

22 (C) establish data privacy and security re-
23 quirements for the information described in
24 paragraph (2) that include appropriate meas-
25 ures to ensure that the privacy of the individ-

uals and households is protected and that the information, including any personally identifiable information, is collected and used only for the purpose of submitting reports under paragraph (1); and

(D) confidentiality protections for data collected about any individuals who are survivors of intimate partner violence, sexual assault, or stalking.

(b) DATABASE.—

(1) IN GENERAL.—The Secretary shall establish a database for collecting and maintaining information submitted in reports pursuant to subsection (a).

(2) PRIVACY PROTECTIONS.—The Secretary shall establish appropriate measures regarding information in the database to ensure that the privacy of the individuals and households is protected and that any personally identifiable information is not disclosed.

(3) DISAGGREGATION.—To the extent possible, such database shall be disaggregated by race, gender, income, and disability.

SEC. 4. ASSISTANCE FOR EVICTION RELATED LEGAL AID.

There is authorized to be appropriated to the Secretary \$10,000,000,000 for fiscal year 2021, to remain

1 available until expended, for assistance under the Emer-
2 gency Solutions Grants program under subtitle B of title
3 IV of the McKinney-Vento Homeless Assistance Act (42
4 U.S.C. 11371 et seq.), to be used only for—

5 (1) providing legal counsel for tenants subject
6 to or at risk of eviction with regard to any eviction-
7 related legal proceeding; and

8 (2) costs of any court fees associated with an
9 eviction-related legal proceeding for a tenant (ex-
10 cluding any attorneys fees for the attorney of the
11 landlord of the tenant).

12 **SEC. 5. CONSUMER REPORTS.**

13 The Fair Credit Reporting Act (15 U.S.C. 1681 et
14 seq.) is amended—

15 (1) by inserting after section 605B the fol-
16 lowing:

17 **“SEC. 605C. ADVERSE INFORMATION RELATING TO HOUS-**
18 **ING COURT RECORDS.**

19 “(a) IN GENERAL.—A consumer reporting agency
20 may only furnish a consumer report containing an adverse
21 item of information relating to a landlord tenant action
22 if—

23 “(1) the landlord in the action prevailed in a
24 final judgment; and

1 “(2) the tenant in such action was not a minor
2 on the date that such court claim was filed.

3 “(b) 1 YEAR LIMITATION.—A consumer reporting
4 agency shall remove from a consumer report any adverse
5 item of information relating to a landlord tenant action
6 not later than one year after the date of such landlord
7 tenant action.”; and

8 (2) in the table of contents, by inserting after
9 the item relating to section 605B the following new
10 item:

“605C. Adverse information relating to housing court records.”.

11 **SEC. 6. EVICTION INFORMATION.**

12 (a) IN GENERAL.—The Secretary shall, not later
13 than 1 year after the date of the enactment of this Act,
14 issue rules that require each owner of a covered federally
15 assisted rental dwelling unit to ensure that each tenant
16 of such dwelling unit owned by such owner receives infor-
17 mation not less than once each year about—

18 (1) the rights and responsibilities of such owner
19 with regard to eviction; and

20 (2) local organizations and resources that can
21 provide assistance in eviction-related matters.

22 (b) HOTLINE.—The Secretary shall, not later than
23 1 year after the date of the enactment of this Act, estab-
24 lish a hotline to provide assistance with regard to eviction-

1 related matters to tenants of covered federally assisted
2 rental dwelling units.

3 **SEC. 7. DEFINITIONS.**

4 (a) For purposes of this Act:

5 (1) ASSISTANCE.—The term “assistance”
6 means any grant, loan, subsidy, contract, cooperative
7 agreement, or other form of financial assistance, but
8 such term does not include the insurance or guar-
9 antee of a loan, mortgage, or pool of loans or mort-
10 gages.

11 (2) COVERED FEDERALLY ASSISTED RENTAL
12 DWELLING UNIT.—The term “covered federally as-
13 sisted rental dwelling unit” means a residential
14 dwelling unit that is made available for rental and
15 for which assistance is provided, or that is part of
16 a housing project for which assistance is provided,
17 under any program administered by the Secretary of
18 Housing and Urban Development, including—

19 (A) the public housing program under the
20 United States Housing Act of 1937 (42 U.S.C.
21 1437 et seq.);

22 (B) the program for rental assistance
23 under section 8 of the United States Housing
24 Act of 1937 (42 U.S.C. 1437f);

1 (C) the HOME Investment Partnerships
2 program under title II of the Cranston-Gon-
3 zalez National Affordable Housing Act (42
4 U.S.C. 12721 et seq.);

5 (D) title IV of the McKinney-Vento Home-
6 less Assistance Act (42 U.S.C. 11360 et seq.);

7 (E) the Housing Trust Fund program
8 under section 1338 of the Housing and Com-
9 munity Development Act of 1992 (12 U.S.C.
10 4568);

11 (F) the program for supportive housing for
12 the elderly under section 202 of the Housing
13 Act of 1959 (12 U.S.C. 1701q);

14 (G) the program for supportive housing for
15 persons with disabilities under section 811 of
16 the Cranston-Gonzalez National Affordable
17 Housing Act (42 U.S.C. 8013);

18 (H) the AIDS Housing Opportunities pro-
19 gram under subtitle D of title VIII of the Cran-
20 ston-Gonzalez National Affordable Housing Act
21 (42 U.S.C. 12901 et seq.);

22 (I) the program for Native American hous-
23 ing under the Native American Housing Assist-
24 ance and Self-Determination Act of 1996 (25
25 U.S.C. 4101 et seq.); and

1 (J) the program for housing assistance for
2 Native Hawaiians under title VIII of the Native
3 American Housing Assistance and Self-Deter-
4 mination Act of 1996 (25 U.S.C. 4221 et seq.).

5 (3) COVERED HOUSING.—The term “covered
6 housing” means a dwelling unit assisted with
7 amounts made available, or a loan or mortgage
8 made, insured, or guaranteed, under any of the fol-
9 lowing programs:

10 (A) The programs for tenant- and project-
11 based rental assistance under section 8 of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437f).

14 (B) The program for public housing under
15 the United States Housing Act of 1937 (42
16 U.S.C. 1437 et seq.).

17 (C) The program for supportive housing
18 for the elderly under section 202 of the Hous-
19 ing Act of 1959 (12 U.S.C. 1701q).

20 (D) The program for supportive housing
21 for persons with disabilities under section 811
22 of the Cranston-Gonzalez National Affordable
23 Housing Act (42 U.S.C. 8013).

24 (E) The community development block
25 grant program under title I of the Housing and

1 Community Development Act of 1974 (42
2 U.S.C. 5301 et seq.).

3 (F) The HOME Investment Partnerships
4 program under titles I and II of the Cranston-
5 Gonzalez National Affordable Housing Act (42
6 U.S.C. 12704 et seq.).

7 (G) The program for housing opportunities
8 for persons with AIDS under subtitle D of title
9 VIII of the Cranston-Gonzalez National Afford-
10 able Housing Act (42 U.S.C. 12901 et seq.).

11 (H) The programs for homeless assistance
12 under title IV of the McKinney-Vento Homeless
13 Assistance Act (42 U.S.C. 11361 et seq.).

14 (4) COVERED HOUSING ASSISTANCE.—The term
15 “covered housing assistance” means assistance
16 under any program specified in paragraph (3).

17 (5) LEGAL COUNSEL.—The term “legal coun-
18 sel” means full representation by an attorney
19 throughout proceedings in issue.

20 (6) OWNER.—For the purposes of this Act, the
21 term “owner” means any private person or entity,
22 including a cooperative, an agency of the Federal
23 Government, or a public housing agency, having the
24 legal right to lease or sublease dwelling units.

- 1 (7) SECRETARY.—The term “Secretary” means
2 Secretary of Housing and Urban Development.

